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Of Attorneys for Earle M. Jorgensen Co.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Van's Aircraft, Inc.,

Debtor in Possession.

Case No. 23-62260-dwh11

**EARLE M. JORGENSEN CO.'S
MOTION FOR ALLOWANCE OF
ADMINISTRATIVE EXPENSE CLAIM
UNDER 503(B)(9)**

NOTICE OF MOTION

Notice. If you oppose the proposed course of action or relief sought in this motion, you must file a written objection with the bankruptcy court no later than 14 days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice or hearing. Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at 1050 SW 6th Ave #700, Portland, OR 97204 by the deadline specified above or it may not be considered. You must also serve the objection on Scott Law Group, LLP, P.O. Box 70422, Springfield, OR 97475 within that same time. If the court sets a hearing, you will receive a separate notice listing the hearing date, time, and other relevant information.



MOTION

Earle M. Jorgensen Co. (“Creditor”), by and through the undersigned, files this motion for allowance of administrative claim, as follows:

I. BACKGROUND

On December 4, 2023 (the “Petition Date”), Van’s Aircraft, inc. (“Debtor”) commenced its chapter 11 case by filing a voluntary petition for relief under chapter 11 of the Bankruptcy Code with this Court. The Debtor continues to operate its business and manage its financial affairs pursuant to §§ 1107 and 1108(a) of the Bankruptcy Code.

Prior to the Petition Date, Creditor sold raw materials to be used in the manufacture of airplane parts (collectively, the “Goods”) to Debtor in the ordinary course of business. Within twenty (20) days prior to the Petition Date (i.e., between November 14, 2023 and Petition Date), Debtor received deliveries of Goods on credit terms from Creditor (the “20-Day Deliveries”). The total value of the 20-Day Deliveries is \$5,750.00 (the “503(b)(9) Claim”). True and correct copies of the invoices for the 20-Day Deliveries are attached to the Declaration of Brian Lacey filed herewith.

II. RELIEF REQUESTED

By this Motion, Creditor respectfully requests that the Court enter an Order allowing an administrative expense claim for the full value of the Goods delivered to, and received by, Debtor during the twenty (20) days prior to the Petition Date, as permitted by 11 U.S.C. § 503(b)(9), and ordering Debtor to pay said amount not later than seven (7) days after entry of the order approving this Motion.

III. BASIS FOR RELIEF

Section 507(a) of the Bankruptcy Code grants priority to administrative expense claims that are allowed under § 503(b) of the Bankruptcy Code. See 11 U.S.C. § 507(a)(2). Section 503(b)(9) provides that “[a]fter notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including—(9) the value of any goods received by the debtor within the 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.” 11 U.S.C. § 503(b)(9).

IV. ARGUMENT

As of the Petition Date, Debtor owes Creditor \$5,750.00 for the delivery of Goods received by Debtor within the twenty (20) days prior to the Petition Date. There is no question that the Goods sold to Debtor constitute “goods,” that these deliveries were received by Debtor within the 20 days prior to the Petition Date, and that the Goods were sold to (and used by) Debtor in the ordinary course of its business. Creditor is entitled to an allowed administrative expense claim in the total amount of \$5,750.00 which is the total amount of Goods that Debtor received during the twenty (20) day period preceding the Petition Date.

Creditor further requests that the Court direct Debtor to pay Creditor on account of its administrative expense claim within seven (7) days after the Court's entry of an Order granting this Motion, as other claimants entitled to administrative priority (post-petition expenses) are being paid on an on-going basis and the Debtor should not be allowed to single out particular administrative claims for immediate payment while deferring others.

WHEREFORE, Creditor respectfully requests that the Court enter an order, in the form attached hereto: (i) allowing its § 503(b)(9) administrative expense claim in the amount of

\$5,750.00; (ii) directing payment of Creditor's administrative expense claim within seven (7) days following the Court's entry of such order; and (iii) granting Creditor such other and further relief as the Court deems just and proper. A proposed order granting the relief sought in this Motion is attached hereto as Exhibit A.

DATED this 30th day of January, 2024.

SCOTT LAW GROUP, LLP

By: /s/ Loren S. Scott
Loren S. Scott, OSB #024502
Of Attorneys for Earle M. Jorgensen Co.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Van's Aircraft, Inc.,

Debtor in Possession.

Case No. 23-62260-dwh11

**ORDER GRANTING EARLE M.
JORGENSEN CO.'S MOTION FOR
ALLOWANCE OF ADMINISTRATIVE
EXPENSE CLAIM UNDER 503(B)(9)**

This matter came before the court on the Earle M. Jorgensen Co.'s ("**Creditor**") Motion for Allowance of Administrative Expense Claim under 503(b)(9) (Doc. # __) (the "**Motion**"). The court, having reviewed the Motion, and having reviewed the court file, and now being fully advised,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is granted.

2. Creditor shall have an allowed § 503(b)(9) administrative expense claim in the amount of \$5,750.00.

3. Debtor shall pay Creditor's administrative expense claim within seven (7) days following the entry of this order.

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The undersigned hereby certifies compliance with LBR 9021-1(a)(2)(A) as a copy of the order was served with the Motion.

Presented by:

THE SCOTT LAW GROUP

By: _____
Loren S. Scott, OSB #024502
Of Attorneys for Earle M. Jorgensen Co.

C: Manual Notice List:

Stephen Allcock
1196 Plowman Way
Bel Air, MD 21014

BMC Group Inc
Attn Vans Aircraft
PO Box 90100
Los Angeles, CA 90009

Timothy J Conway
1600 Pioneer Tower
888 SW Fifth Ave.
Portland, OR 97204

Loren S. Scott, OSB #024502
lscott@scott-law-group.com
SCOTT LAW GROUP LLP
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Springfield, OR 97475
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Facsimile: 541-868-8004
Of Attorneys for Earle M. Jorgensen Co.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Van's Aircraft, Inc.,

Debtor in Possession.

Case No. 23-62260-dwh11

**DECLARATION OF BRIAN LACEY IN
SUPPORT OF EARLE M. JORGENSEN
CO.'S MOTION FOR ALLOWANCE OF
ADMINISTRATIVE EXPENSE CLAIM
UNDER 503(B)(9)**

I, Brian Lacey, under penalty of perjury, do state as follows:

1. I am the Director of Credit for Reliance Steel & Aluminum Co. Earle M. Jorgensen Co. is a subsidiary of Reliance Steel & Aluminum Co. I make this declaration based on my own personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of unpaid invoices of Earle M. Jorgensen Co. for shipments of raw materials received by Van's Aircraft, Inc. within the 20 days before the commencement of the bankruptcy case. These materials were sold to and used by Van's Aircraft, Inc. in the ordinary course of business. The total amount of these invoices is \$5,750.00.

**I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE
BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE**

**MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR
PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA.**

DATED this 30th day of January, 2024.

By: /s/ Brian Lacey
Brian Lacey





YOUR EMJ BRANCH LOCATION:
EARLE M. JORGENSEN CO
16440 NE MASON ST
PORTLAND OR 97230
503.283.2251

INVOICE

SOLD TO:

VANS AIRCRAFT INC
14401 NORTHEAST KEIL ROAD
AURORA OR 97002

SHIPPED TO:

VANS AIRCRAFT INC
14401 NORTHEAST KEIL ROAD
AURORA OR 97002

| | |
|-----------------|---------------------|
| INVOICE NUMBER | Z208375271 |
| INVOICE DATE | 29-NOV-2023 |
| ORDERED BY | TROY X 333 |
| CUSTOMER PO | 024574 |
| PAYMENT TERMS | 1/2% 10 DAYS NET 30 |
| CUSTOMER NUMBER | 74156 |
| SHIPPER NUMBER | Z208375 |
| SHIPPING DATE | 29-NOV-2023 |
| FREIGHT PAYMENT | PREPAID |
| FOB | DESTINATION |
| SHIPPED VIA | OUR TRUCK |

| ITEM DESCRIPTION | QTY | DESC | SHIPPED | X | UNIT PRICE | = | EXT. PRICE |
|--|-----|-----------------|------------------|---|--------------|---|------------|
| 3003-0 DR PH COIL ASTM B483 .250 OD X .032 W (.186 ID) X 50' COILS Part # 128602 | 50 | PC | 2,500.0000 FT | | 1.1000 FT | | 2,750.00 |
| | | Order # S673455 | | | | | |
| 3003-0 DR PH COIL ASTM B483 .375 OD X .035 W (.305 ID) X 50' COILS Part # 128603 | 40 | PC | 2,000.0000 FT | | 1.5000 FT | | 3,000.00 |
| | | Order # S673456 | | | | | |

Thank you

Contact us today for the convenience and security of paying via ACH at emjcreditwest@emjmetals.com

REMITTANCE INFORMATION

EARLE M. JORGENSEN COMPANY
PO BOX 846018
LOS ANGELES CA 900846018

| | | |
|------------------------------|----|----------|
| TOTAL MATERIALS AND SERVICES | \$ | 5,750.00 |
| SALES TAX | \$ | |
| INVOICE TOTAL | \$ | 5,750.00 |

We hereby certify that the goods and services covered by this document were produced in compliance with the fair labor standards act, as amended, and the regulation thereunder. Extended price is displayed in two decimal places but priced by four. These Commodities are controlled for export by the United States Government under Export Administration Regulations. Diversion contrary to U.S. law prohibited. Purchaser is responsible to comply with these regulations if the items are to be exported from the United States or re-exported from a foreign country.
Terms and conditions are located at https://www.emjmetals.com/pdf_Indexer/pdfs/SalesOrderTerms.pdf and are incorporated by reference.



Earle M. Jorgensen Company®
16440 NE MASON ST
PORTLAND OR 97230

Proof of Delivery

Delivery Date: 11/29/2023
Arrival Time: 09:18:37
Status: Complete
Driver Name: Roy Williams

Ship To: VANS AIRCRAFT INC

Address: 14401 NORTHEAST KEIL ROAD
AURORA OR 97002

| Shipment # | Customer PO | Item / Description / Size | Quantity | Weight | Status |
|------------|------------------|---|----------|----------|----------|
| S673455 | 024574 - S673455 | 128602 3003-0 DR PH COIL ASTM B483 .250 OD X .032 W (.186 ID) X 50' COILS | 50 EA | 65.00 LB | Complete |

Delivery Type: Delivery

| | | | | | |
|---------|------------------|---|-------|----------|----------|
| S673456 | 024574 - S673456 | 128603 3003-0 DR PH COIL ASTM B483 .375 OD X .035 W (.305 ID) X 50' COILS | 40 EA | 89.00 LB | Complete |
|---------|------------------|---|-------|----------|----------|

Delivery Type: Delivery

To Contact Us regarding this delivery
Please call shipping at (503) 283-2251

Form 011123

Received By: Donavon

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2024, the foregoing **EARLE M. JORGENSEN CO.'S MOTION FOR ALLOWANCE OF ADMINISTRATIVE EXPENSE CLAIM UNDER 503(B)(9) and DECLARATION OF BRIAN LACEY** in support thereof was served on the following:

☒ Via First Class Mail:

Stephen Allcock
1196 Plowman Way
Bel Air, MD 21014

BMC Group Inc
Attn Vans Aircraft
PO Box 90100
Los Angeles, CA 90009

Timothy J Conway
1600 Pioneer Tower
888 SW Fifth Ave.
Portland, OR 97204

☐ Via Facsimile to:

☐ Via E-mail to:

DATED: January 30, 2024

/s/ Loren S. Scott
Loren S. Scott, OSB# 024502